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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/681,166 02/07/01 MELOTIK

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EXAMINER

GLUTMAN, H
ART UNIT PAPER NUMBER

3612
DATE MAILED:

3
06/18/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/681,166

Applicant(s)
Melotik et al.

Examiner
Hilary Gutman

Art Unit
3612



— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☐ Responsive to communication(s) filed on _____

2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) 1-21 is/are pending in the application.

4a) Of the above, claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) 1-21 is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claims _____ are subject to restriction and/or election requirements.

Application Papers

9) ☒ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on Feb 7, 2001 is/are objected to by the Examiner.

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.

12) ☒ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) ☐ All b) ☐ Some* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

15) ☒ Notice of References Cited (PTO-892)

18) ☐ Interview Summary (PTO-413) Paper No(s). _____

16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

19) ☐ Notice of Informal Patent Application (PTO-152)

17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 2

20) ☐ Other: _____

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DETAILED ACTION

Oath/Declaration

1. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

Non-initialed and/or non-dated alterations have been made to the oath or declaration. See 37 CFR 1.52(c).

In addition, it should be noted that the dates of the signatures of all of the applicants has been partially cutout of the copies received.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "46" and "48" have both been used to designate the cable. In Figures 2 and 3 reference number "46" is used to represent the cable but in the specification at page 5 [0024] and in Figures 6 and 7 number "48" is used. Also in Figure 7 and in the specification "46" is disclosed to be a "pivot pin" (page 5). Correction is required.

3. The drawings are objected to because in Figure 5 there are some lines which are unclear (see marked-up copy of Figure 5 hereto attached). Also in Figure 6, reference number "38"

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which points to the side is also inadvertently pointing to the inner panel 41 and perhaps this reference number should be moved (see marked-up copy of Figure 6 hereto attached).

Correction is required.

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "38" has been used to designate both the side and some unknown feature in Figure 7 (see marked-up copy of Figure 7 hereto attached). Correction is required.

5. Applicant is required to submit a proposed drawing correction in reply to this Office action. However, formal correction of the noted defect can be deferred until the application is allowed by the examiner.

Specification

6. The disclosure is objected to because of the following informalities:

On page 1, line 4 of [0004], "to be" should be deleted.

On page 3, line 4 of [0018], the "12" after "sedan type automotive vehicle" should be deleted.

On page 6, line 5 of [0027], "on adjacent" is awkward and only one word should be used. Also on page 6, line 8 of [0027], "bottom 26" should be "bottom 36" and on line 11, "drawer 60" should be "drawer 34". Appropriate correction is required.

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7. The abstract of the disclosure is objected to because: on line 1, "20An" should perhaps just be "An". Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 112

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 1-7, 14-19, and 21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "said integrated drawer assembly" in lines 3-4. There is insufficient antecedent basis for this limitation in the claim. Perhaps "drawer" should be "floor".

In addition on line 7 the claim recites "a load floor" operatively cooperating the rails. This is unclear however, since the sides of the load floor assembly appear to cooperate with the rails and not a load floor. Furthermore if the load floor cooperated with the rails, then perhaps the rails should be located on or near the floor which they are not. The rails (seen in the figures) are located on the sides of the load floor assembly.

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In claim 14, lines 4-5 recite the rear storage area sliding in and out. This is unclear in that the rear storage area is thought by the examiner to be a stationary area while the load floor is the actual feature which is believed to do the sliding and in and out motion. Clarification is requested.

In claim 21, line 4, the endgate is recited to be connected to "said sides" of the body but in the figures the endgate is apparently connected to side 38 of the load floor and not to sides of the vehicle body. Clarification is requested.

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11. Claims 8 and 10-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Mayer.

Mayer also discloses an integrated extendable load floor assembly, for a vehicle having an enclosed integral rear storage area 12, comprising: at least one rail 42, 46 adapted to be disposed upon the bottom of the rear storage area; and a load floor 20 cooperating with the at least one rail allowing for a selective sliding movement in and out of the rear storage area of the vehicle.

The load floor assembly also includes a rear panel 22 that is cooperatively attached to a bottom of a rear edge via a hinge 24 of the load floor 20 allowing selective positioning of the rear panel in an upright closed position (solid lines Figure 2) and a lower horizontal open position

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(dashed lines Figure 2). Further, a rear panel latching mechanism 62, 64 is disclosed that latches the rear panel in the upright closed position. A load floor latching mechanism 66 latches the load floor in a closed position within the storage area.

12. Claims 14-19, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Mayer.

Mayer discloses a vehicle comprising: a rear storage area 12 having a longitudinal open end; and an integrated extendable load floor assembly cooperating with the rear storage area 12. The integrated extendable load floor assembly includes at least one rail 44 connected to the rear storage area 12 and a load floor 20 cooperating with the at least one rail for sliding movement therealong. The load floor selectively slides in and out of the rear storage area of the vehicle to close the open end of the rear storage area. The load floor 20 comprises a bottom 26 and sides 28 and 30 extending generally perpendicular to the bottom to form a compartment for holding objects. Furthermore, the assembly includes a rear panel or endgate 22 that is cooperatively attached to a bottom of a rear edge of the load floor allowing selective positioning of the rear panel in an upright closed position and a horizontal open position. A rear panel latching mechanism 62, 64 is also provided to latch the rear panel in the upright closed position. A load floor latching mechanism 66 latches the load floor in a closed position in the rear storage area.

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13. Claim 21 is rejected under 35 U.S.C. 102(b) as being anticipated by Mayer.

Mayer discloses a sedan type automotive vehicle comprising: a body (Figure 1) including a rear end 10 having a floor 14 and sides 16 and 18 extending upwardly and along the floor to form a cargo area 12; an endgate 22 pivotally connected to the sides having a closed upright position and an open horizontal position; and a decklid 32 and 34 pivotally secured to the sides and cooperating with the endgate to cover the cargo area in a closed position and to allow access to the cargo area in an open position and to allow objects to be removed from the cargo area when the decklid is in the open position.

14. Claims 14-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Whitmore.

Whitmore discloses a vehicle comprising: a rear storage area 14 having a longitudinal open end; and an integrated extendable load floor assembly cooperating with the rear storage area 14. The integrated extendable load floor assembly includes at least one rail generally 78 indirectly connected to the rear storage area and a load floor 80 cooperating with the at least one rail for allowing selective sliding movement in and out of the load floor of the vehicle and to help close the open end of the rear storage area. The load floor comprises a bottom and sides extending generally perpendicular to the bottom to form a compartment for holding objects. A rear panel or endgate 84 is cooperatively attached to a bottom of a rear edge of the load floor allowing selective positioning of the rear panel in an upright closed position and a horizontal open position.

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15. Claim 20 is are rejected under 35 U.S.C. 102(b) as being anticipated by Whitmore.

Whitmore discloses an automotive vehicle 12 comprising: a body including a rear end having a floor and sides 24 extending upwardly and along the floor to form a cargo area 14; a plurality of rails generally 78 spaced laterally and extending longitudinally "between the sides above the floor" (Figure 9); a load floor operatively cooperating with the rails for sliding movement therealong; and a decklid (not numbered) pivotally secured to the sides to cover the cargo area in a closed position and to allow access to the cargo area in an open position and to allow the load floor to be extended when the decklid is in the open position.

16. Claims 8-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Webber.

Webber discloses an integrated extendable load floor assembly for a vehicle having an enclosed integral rear storage area comprising: at least one rail 34 adapted to be disposed upon the bottom of the rear storage area; and a load floor (Figure 3) cooperating with the at least one rail allowing for a selective sliding movement in and out of the rear storage area of the vehicle.

Webber also includes at least one slide 46 disposed on sides of the load floor and cooperating with a portion of the at least one rail. The load floor comprises a bottom and sides extending generally perpendicular to the bottom to form a compartment for holding objects. A rear panel is cooperatively attached to a bottom of a rear edge of the load floor allowing selective positioning of the rear panel in an upright closed position and a lower horizontal open position. A rear panel latching mechanism (Figure 5) latches the rear panel in the upright closed position. A

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load floor latching mechanism (Figure 2 and 6) latches the load floor in a closed position within the storage area.

17. Claims 14-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Webber.

Webber discloses a vehicle comprising: a rear storage area having a longitudinal open end; and an integrated extendable load floor assembly cooperating with the rear storage area. The integrated extendable load floor assembly includes at least one rail connected to the rear storage area and a load floor cooperating with the at least one rail for allowing selective sliding movement in and out of the rear storage area of the vehicle and to close the open end of the rear storage area. The load floor comprises a bottom and sides extending generally perpendicular to the bottom to form a compartment for holding objects. A rear panel is cooperatively attached to a bottom of a rear edge of the load floor allowing selective positioning of the rear panel in an upright closed position and a horizontal open position. A rear panel latching mechanism (seen in Figure 5) latches the rear panel in the upright closed position. A load floor latching mechanism (Figure 2 and 6) latches the load floor in a closed position in the rear storage area.

Claim Rejections - 35 USC § 103

18. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

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such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

19. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Webber in view of Kepley et al. and Riley.

Webber discloses an integrated extendable load floor assembly (as seen in the figures) for a vehicle having a rear end with a floor and sides extending upwardly and along the floor to form a cargo area, the integrated drawer assembly comprising: a plurality of rails adapted to be disposed upon the sides above the floor of the rear end; and a load floor operatively cooperating with the rails for sliding movement therealong and to close a longitudinal end of the cargo area.

Webber also discloses a pair of slides 46 disposed on opposed sides of the load floor and cooperating with the rails. The load floor comprises a bottom and sides extending generally perpendicular to the bottom to form a compartment for holding objects. An endgate 54 is

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pivotally attached to a rear longitudinal end of the load floor having an upright closed position and a horizontal open position. A latching mechanism (Figure 5) latches the endgate to the load floor in the upright closed position. Another latching mechanism (Figure 2 and 6) latch the load floor in a closed position with the rear end of the vehicle.

Webber lacks the assembly comprising a decklid for closing an upper portion of the cargo area.

Kepley et al. disclose a vehicle such as a pick-up truck having a truck cover or "decklid" (seen in the figures). The decklid can be used to close an upper portion of a cargo area. These types of decklids are well known in the art and are commonly used on conventional pickup trucks.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have placed a decklid as taught by Kepley et al. upon the vehicle of Webber in order to cover the cargo area and help protect objects therein.

Webber, as modified, lacks the load floor including an inner panel pivotally attached thereto to pivot between a closed position and an open position relative to a bottom thereof.

Riley teaches an endgate 20 having an inner panel 40 (as seen in the figures).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have used the endgate as taught by Riley in place of the endgate of Webber in order to provide the vehicle with an easily accessible storage compartment.

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Conclusion

20. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited references show other load floor assemblies similar to that of the current invention.

21. Any inquiry concerning this communication from the examiner should be directed to Hilary L. Gutman whose telephone number is (703) 305-0496.

22. Any response to this action should be mailed to:

Assistant Commissioner for Patents

Washington, D.C. 20231

or faxed to:

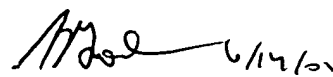
(703) 305-3597, (for formal communications intended for entry)

or:

(703) 308-3297, (for informal or draft communications, please clearly label "PROPOSED" or "DRAFT").

hlg

June 13, 2001


STEPHEN T. GORDON
PRIMARY EXAMINER